

TOWN OF DUNSTABLE

FAMILY AND MEDICAL LEAVE POLICY¹

A. INTRODUCTION

The Federal Family and Medical Leave Act of 1993 (“FMLA”) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons, as explained below.

B. EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits with the Town of Dunstable (the “Town”), an employee must:

1. Work for the Town;
2. Have worked for the Town for a total of at least twelve months in the prior seven years; and
3. Have worked at least 1,250 hours over the previous twelve months.

C. LEAVE ENTITLEMENT

Section 1. The Town will grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave during a rolling 12-month period² for one or more of the following reasons:

1. For the birth of a son or daughter and to care for the new born son or daughter;
2. For the placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member (spouse, son or daughter, or parent) with a serious health condition;
4. When the employee is unable to work because of his/her own serious health condition that prevents him/her from performing the functions of his/her job; or

¹ Adopted by the Board of Selectmen on July 22, 2013

² For the purposes of calculating the 12-month period referred to above, the Town will measure the 12-month period backward from the date of an employee’s request for FMLA leave. Each time an employee takes FMLA leave, the Town will determine the total amount of FMLA leave used by the employee during the preceding 12 months, and the remaining time available to the employee will be the balance of 12 weeks which has not been used.

5. For a “qualifying exigency” (as defined in 29 CFR § 825.126) when the employee’s spouse, son, daughter, or parent who is a member of any branch of the military, including the National Guard or Reserves, has been deployed or called to active duty, in a foreign country.

Spouses employed by the Town are jointly entitled to a combined total of twelve workweeks of family leave, except when the leave is needed to care for a son, daughter or spouse with a serious health condition; under such circumstances, such employees may each be eligible for up to 12 weeks of family leave.

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Section 2. The Town will also grant an eligible employee up to a total of twenty-six weeks of unpaid FMLA leave for the following reasons:

1. To care for a spouse, son, daughter, parent, or next of kin (i.e., nearest blood relative), who is a current member of the Armed Forces (including a member of the National Guard or Reserves) and who is undergoing medical treatment, recuperation or therapy, is an outpatient, or is on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces, (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty) in the Armed Forces.
2. To care for a spouse, son, daughter, parent, or next of kin (i.e., nearest blood relative), who is a veteran undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty) and manifested itself before or after the member became a veteran. The veteran must have been a member of the Armed Forces (which includes the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.

Such 26-week leave period shall only be available for a single 12-month period.³ To the extent spouses work for the Town, the aggregate number of workweeks available to both spouses shall be limited to 26 weeks during the single 12-month period. In addition, any leave taken during that single 12-month period for one of the other qualifying reasons (as noted in this Policy) shall count against the 26 weeks available. (Only 12 of the 26 weeks total may be used for an FMLA-qualifying reason other than to care for a covered servicemember.)

³ Calculation of the single 12-month period in this Section shall be based off the 12-month period immediately following the first day of such FMLA-qualifying leave. Such 26-week period shall not be based on the rolling measurement noted in Section 1.

Section 3.

1. (a) Under some circumstances, employees may take FMLA leave intermittently.

(b) When intermittent leave is needed to care for an immediate family member, the employee's own illness, or a covered servicemember, and is for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Town's operation.
2. The Town may temporarily transfer an employee taking intermittent or reduced schedule leave to an alternative job, with equivalent pay and benefits, that accommodates recurring periods of leave better than the employee's regular job when such leave is foreseeable based on planned medical treatment.
3. Also, the Town may require employees to use accrued paid leave⁴, such as sick or vacation leave, or compensatory time, to cover some or all of the FMLA leave. When paid leave is used, the employee must follow the Town's paid leave policies and procedures with respect to use of such leave.
4. Any leave taken by an eligible employee for any of the reasons covered by this policy will be considered FMLA leave and will be designated as such even if the employee does not specifically identify the time off as FMLA leave.

D. MAINTENANCE OF HEALTH BENEFITS

The Town will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Town to pay his or her share of health insurance premiums while on leave. The Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

E. JOB RESTORATION

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

⁴ The Town's policy on use of paid leave is subject to, and will be administered in accordance with, the Massachusetts Maternity Leave statute.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

F. NOTICE, CERTIFICATION AND STATUS REPORTS

Employees seeking to use FMLA leave are required, as appropriate, to provide to the Town:

1. NOTICE: Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable.
2. MEDICAL CERTIFICATION:
 - (a) Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member, or a covered servicemember with a serious injury or illness;
 - (b) Second or third medical opinions and periodic recertifications (at the Town's expense) if requested by the Town; and
 - (c) Medical certification and/or fitness for duty certification supporting the employee's ability to return to work as requested by the Town, which the Town may request include a statement from a health care provider that the employee can perform all of the essential functions of the job.
3. QUALIFYING EXIGENCY: Certification supporting the need for leave due to a qualifying exigency.
4. STATUS REPORTS: Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the Town.

G. OTHER PROVISIONS

This Policy shall at all times be interpreted in a manner consistent with the Department of Labor's Regulations pertaining to the Family and Medical Leave Act of 1993. The FMLA does not affect any other federal or state law that prohibits discrimination, nor supersede any state or local law that provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a Collective Bargaining Agreement or employment benefit plan, where applicable.

H. DEPARTMENTAL PROCEDURES

The Town's department heads, with the approval of the Town Manager, may establish their own procedures to implement this policy, consistent with the policy.

TOWN OF DUNSTABLE

SMALL NECESSITIES LEAVE ACT POLICY AND PROCEDURES¹

I. POLICY

A. Eligibility

Employees that have been employed by the Town of Dunstable (“the Town”) for at least twelve (12) months over the prior seven (7) years and have provided 1250 hours of service to the Town during the previous twelve (12) month period of time and qualify for Family Medical Leave status are eligible for leave under the Massachusetts Small Necessities Leave Act (“SNLA”).

B. Purpose and Amount of Leave

An eligible employee is entitled to 24 hours of SNLA leave for any of the following purposes:

- (1) to participate in school activities directly related to the educational advancement of the eligible employee’s son or daughter², such as parent-teacher conferences or interviewing for a new school³;
- (2) to accompany the eligible employee’s son or daughter to routine medical or dental appointments, such as check-ups or vaccinations; or
- (3) to accompany the eligible employee’s elderly relative⁴ to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes.

C. Twelve Month Period

The twelve (12) month period shall be consistent with that established under the Town’s Family and Medical Leave Act Policy.

D. Intermittent Use of Leave

Eligible employees may use SNLA leave in increments of time of one (1) hour or more.

¹ Adopted by the Board of Selectmen on July 22, 2013

² A “son or daughter” is defined as a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*. Further, the son or daughter must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

³ A “school” is a public or private elementary or secondary school, a Head Start program assisted under the Head Start Act, or a licensed children’s day care facility.

⁴ An “elderly relative” is an individual that is at least 60 years of age and who is related by blood or marriage.

E. Use of Accrued Leave

Eligible employees that have accrued vacation, personal or sick leave (for medical appointments only) at the time they use SNLA leave will be required to use such accrued leave during the time they are on SNLA leave.

Eligible employees that do not have accrued vacation, personal or sick leave (for medical appointments only or as otherwise permitted by Town by-law or collective bargaining agreement) at the time they use SNLA leave will receive unpaid leave.

F. Return to Work

An employee that receives SNLA leave will be restored to the position he or she held when the SNLA leave commenced.

II. PROCEDURES

A. Notice

Eligible employees must request SNLA leave at least seven (7) days in advance of the time for which SNLA leave is requested whenever the need for SNLA leave is foreseeable. If the need for SNLA leave is not foreseeable, an eligible employee must give the Town notice as soon as practical. All notices to the Town shall be made in writing unless circumstances prohibit written notice.

B. Certification

Each time an eligible employee takes SNLA leave, the eligible employees must complete a certification. Certification forms are available at the Town Hall. As required by law, the certification will be maintained in the eligible employee's personnel file for three (3) years.

C. Administrative Procedures

The Board of Selectmen may adopt administrative procedures to carry out this policy.

TOWN OF DUNSTABLE

HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES¹: **POLICY AND PROCEDURES²**

I. POLICY

A. Introduction. The Town of Dunstable (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to maintaining a positive and congenial work environment free from the harassment of individuals in protected classes. The Town recognizes the right of all individuals to be treated with respect and dignity.

B. Equal Employment Opportunity. The Town is an equal employment opportunity employer and does not discriminate in hiring or employment on the basis of race, color, religious creed, national origin, sex, ancestry, sexual orientation, age, disability, gender identity, genetic information, veteran’s status, military service or application for military service or any other legally protected class (collectively, “Protected Classes”). If you believe you require an accommodation in order to perform the essential functions of your job due to disability, please notify Human Resources.

C. Harassment. Harassment on the basis of a Protected Class (hereafter referred to as “harassment”), is a form of behavior that adversely affects the employment relationship. State and Federal law prohibit such behavior. The Town condemns and prohibits the unlawful harassment of any applicant, client, vendor or visitor.

Because the Town takes allegations of harassment seriously, we will respond promptly to complaints of harassment and, where it is determined that inappropriate conduct has occurred, we will act promptly to address the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

D. The Rule. It is against the policy of the Town for any individual to harass another individual on the basis of a Protected Class when:

- submission to or rejection of such conduct is made either implicitly or explicitly a term or condition of employment or a basis for employment decisions; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, humiliating, or offensive work environment.

It is also against the policy of the Town for an individual to engage in any inappropriate or unprofessional conduct in the workplace.

E. Examples of Conduct That May Constitute Harassment. While it is not possible to list all of the circumstances that may constitute unlawful harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, the following is a list of situations that could constitute unlawful harassment:

¹ Sexual harassment is covered by a separate policy, which has been issued to all employees.

² Adopted by the Board of Selectmen on July 22, 2013

- verbal abuse, comments, jokes, teasing, threats or the use of words that degrade a person because of his/her Protected Class;
- obscene or suggestive gestures or sounds intended to relate to a person's Protected Class;
- posting or distributing letters, notes, objects, pictures, cartoons or other materials that degrade a person because of his/her Protected Class;
- sending or posting offensive or discriminatory messages or materials related to an individual's Protected Class through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites); and
- condoning harassment on the basis of a person's Protected Class.

Harassment can occur in a variety of circumstances. Here are some things to remember:

- The harasser does not have to be the victim's supervisor; and
- The victim does not have to be the person at whom the unwelcome harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or offensive work environment.

F. Individual Responsibilities. Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, client, visitor, applicant or outside vendor;
- cooperating in any investigation of alleged harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate harassment and to maintain a work environment free from such harassment; and
- ensuring that an employee who files a good-faith harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

II. VIOLATION OF POLICY

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

III. PROCEDURES FOR COMPLAINTS

A. Complaint. The Town has designated a Harassment Grievance Officer. The current Harassment Grievance Officer is Bernadette Georges. She can be reached at the Town of Dunstable, Police Department, 23 Pleasant Street, Dunstable, MA 01827 and she can be reached at the station at

978-649-8891. If you would prefer, you may contact Chief James Downes, who has been designated as the Alternate Harassment Grievance Officer. He can be reached at the Town of Dunstable, Police Department, 23 Pleasant Street, Dunstable, MA 01827 and his telephone number is 978-649-7445.

If any individual believes he or she has been subject to harassment on the basis of his/her Protected Class, the individual should initiate a complaint by contacting the Harassment Grievance Officer or the Alternate Harassment Grievance Officer as soon as possible. The individual should make the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the complaint being made, the more difficult it will be for the Harassment Grievance Officer or his/her designee to investigate what occurred. The individual will be asked to write out his or her complaint to document the allegation.

If an employee prefers to discuss a possible harassment problem with his or her supervisor or Human Resources, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting harassment and may, instead, go directly to the Harassment Grievance Officer or the Alternate Harassment Grievance Officer.

B. Investigation. Upon receiving the complaint, the Harassment Grievance Officer or the Alternate Harassment Grievance Officer will promptly undertake an investigation of the matter. The investigation may include interviews with the employee making the complaint, with witnesses, and with the person accused of harassment. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

C. Decision. When the investigation is completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that unlawful harassment did occur, the Town will act promptly to eliminate the offensive conduct.

D. Retaliation. Retaliation against an individual for making a good-faith complaint of harassment, or against any individual for cooperating in an investigation of a harassment complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment, or for having participated in an investigation of a complaint of harassment, that employee is encouraged to report the situation as soon as possible to the Harassment Grievance Officer or the Alternate Harassment Grievance Officer, or to the employee's supervisor, or Human Resources.

IV. STATE AND FEDERAL AGENCIES

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting harassment on the basis of Protected Class. The MCAD can be reached at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145, or at One Ashburton Place, Room 601, Boston, MA 02108, (617) 994-6000. The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the Federal law prohibiting harassment on the basis of Protected Class. The EEOC can be reached at John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days.

V. WORKPLACE CONDUCT

It is important to note that while this policy sets forth the Town's goal of promoting a workplace that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

VI. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of this *Harassment of Individuals in Protected Classes Prevention Policy* from the Town, and I have read its contents.

Name (Print)

Signature

Date

Witness

TOWN OF DUNSTABLE

SEXUAL HARASSMENT:¹ POLICY AND PROCEDURES²

I. POLICY

A. Introduction. The Town of Dunstable (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a work environment that is free of sexual harassment. The Town recognizes the right of all individuals to be treated with respect and dignity.

Sexual harassment is a form of behavior that adversely affects the employment relationship. State and Federal law prohibit such behavior. Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits sexual or other unlawful harassment of any applicant, client, vendor or visitor.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment, and where it is determined that inappropriate conduct has occurred, we will act promptly to address the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

It is important to note that, while this policy sets forth our goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

B. The Rule. It is against the policy of the Town for any individual, male or female, to harass another individual sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

It is also against the policy of the Town for an individual to engage in any other form of unlawful harassment, inappropriate or unprofessional conduct in the workplace.

C. Examples of Conduct That May Constitute Sexual Harassment. Sexual harassment does not refer to purely voluntary social activities. While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct that

¹ Harassment of other protected classes is covered by a separate policy, which has been issued to all employees.

² Adopted by the Board of Selectmen on July 22, 2013

may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- verbal abuse, jokes or language of a sexual nature;
- use of sexually degrading words;
- conversation or gossip with sexual overtones;
- obscene or suggestive gestures or sounds;
- sexually-oriented teasing;
- verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;
- inquiries into one's sexual experiences or discussion of one's sexual activities;
- comments, jokes or threats directed at a person because of his/her sexual preference;
- unwelcome invitations (for lunch, dinner, drinks, dates, sexual relations);
- demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment;
- physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or repeated brushing up against one's body;
- deliberate bumping, cornering, grabbing;
- assaults of a sexual nature, molestations or coerced sexual acts;
- posting or distributing sexually suggestive objects, pictures, cartoons or other materials;
- sexually-oriented letters or notes;
- sending or posting offensive or discriminatory messages or materials through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites) that contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation;
- sexually suggestive gestures, leering or staring at parts of a person's body; and
- condoning sexual harassment.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
- The harasser does not have to be the victim's supervisor;
- The victim does not have to be of the opposite sex from the harasser; and
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or sexually offensive work environment.

D. Individual Responsibilities. Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, client, visitor, applicant or outside vendor;
- cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate sexual harassment and to maintain a work environment free from such harassment; and
- ensuring that an individual who files a good-faith sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

II. VIOLATION OF POLICY

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

III. PROCEDURES FOR COMPLAINTS

A. Complaint. The Town has designated a Sexual Harassment Grievance Officer. The current Sexual Harassment Grievance Officer is Bernadette Georges. She can be reached at the Dunstable Police Department, 23 Pleasant Street, Dunstable, MA 01827, and her telephone number is 978-649-8891. If you would prefer, you may contact Chief James Downes, who has been designated as the Alternate Sexual Harassment Grievance Officer. He can be reached at the Dunstable Police Department, 23 Pleasant Street, Dunstable, MA 01827 and his telephone number is 978-649-7445.

If any individual of the Town believes he or she has been subjected to sexual harassment, the individual should initiate a complaint by contacting the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer as soon as possible. The individual should make the

complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the complaint being made, the more difficult it will be for the Sexual Harassment Grievance Officer or his/her designee to investigate what occurred. The individual will be asked to write out his or her complaint to document the allegation.

If an employee prefers to discuss a possible sexual harassment problem with his or her supervisor, or Human Resources, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment and may, instead, go directly to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer.

B. Investigation. Upon receiving the complaint, the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer will promptly undertake an investigation of the matter. The investigation may include interviews with the employee making the complaint, with witnesses, and with the person accused of sexual harassment. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

C. Decision. When the investigation has been completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that sexual harassment did occur, the Town will act promptly to eliminate the offensive conduct.

D. Retaliation. Retaliation against an individual for making a good-faith complaint of sexual harassment, or against any individual for cooperating in an investigation of a sexual harassment complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment, or for having participated in an investigation of a complaint of harassment, that employee is encouraged to report the situation as soon as possible to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer, or the employee's supervisor, or Human Resources.

IV. STATE AND FEDERAL AGENCIES

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting sexual harassment. The MCAD can be reached at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145, or at One Ashburton Place, Room 601, Boston, MA 02108, (617) 994-6000. The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the Federal law prohibiting sexual harassment. The EEOC can be reached at John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days.

V. WORKPLACE CONDUCT

It is important to note that while this policy sets forth the Town's goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

VI. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of this *Sexual Harassment Prevention Policy* from the Town, and I have read its contents.

Name (Print)

Signature

Date

Witness



TOWN OF DUNSTABLE

COMMUNICATIONS POLICY¹

I. POLICY

It is the policy of the Town of Dunstable (the “Town”) to ensure effective business communications among all individuals within the Town and with others outside of the Town, in particular the Town’s citizens. It is important that all forms of communication, whether verbal, written or transmitted via the Town’s electronic communications systems, promote an atmosphere of professionalism, courtesy and respect.

II. TOWN COMMUNICATIONS

All communications regarding Town procedure and administration or which may affect the Town or its personnel as a whole, will either originate from or be approved by the Town prior to distribution. No individual in the Town is to send or distribute any communication to “All Personnel” or “All Users” without prior authorization from the Town. Managers are authorized to send or distribute communications regarding their area’s business.

A. Bulletin Boards. The Town maintains a bulletin board, which is designated for the posting of Town notices. Employees are not authorized to post any form of literature, printed or written materials, or notices of any kind the Town’s bulletin board, on the walls, in the copy areas or on the Town’s property.

B. Solicitations. Employees are prohibited from soliciting other employees during working time and from distributing materials in work areas. Work time does not include rest periods, breaks or lunch periods. Employees are prohibited from selling or buying merchandise at any time. Persons not employed by the Town are prohibited from soliciting employees on the Town’s premises or distributing materials on the Town’s non-public areas at any time for any purpose.

III. ELECTRONIC COMMUNICATION DEVICES

Electronic communication devices as defined in this policy include, but are not limited to, the Town’s telephone system (including voicemail), facsimiles, electronic mail, instant messaging, text messaging, Internet services, Intranet, cell phone services, pagers, copy machines, Town-owned lap tops and computers provided for home use and computer software (“electronic communication devices” or collectively referred to as “electronic communication systems”). Electronic communication devices are Town-owned resources and are provided as business communication tools. All information or transmissions that are created, sent, received or stored on the Town’s electronic communication systems, including passwords, (“electronic communications”) are the sole property of the Town.

¹ Adopted by the Board of Selectmen July 22, 2013

This policy governs all use of Town-owned electronic communication devices, electronic communications and electronic communication systems and also governs electronic communications which occur using electronic communication devices or electronic communication systems not owned by the Town but that occur in connection with the Town's activities whether on or off the Town's premises. Electronic messages should be communicated with the same thought and care devoted to written or verbal communications. Individuals should not transmit any form of electronic communication that they would not be comfortable writing in a letter or memorandum. All individuals of the Town must adhere to the following, both while on the Town's premises and off-site, and use good judgment when using the Town's electronic communication devices.

A. Privacy. There can be no guarantee of privacy for electronic communications. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communication systems. In accessing the Internet, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted and supports the management of the Town's information systems. Use of the Town's electronic communication devices constitutes acceptance of such monitoring.

B. Security. The Town's electronic communication systems are to be used only by authorized persons. An electronic mail (e-mail) account is assigned to each user with a username and password. Any communication sent from that account is the responsibility of the user assigned to the account. Except when specifically authorized by the Town, users shall not (i) disclose their passwords to others; (ii) use someone else's password; (iii) provide their e-mail address to any non-business related Internet Web site; or (iv) transmit their user names or passwords through the e-mail. Passwords are designed to provide security of the Town's electronic communication systems from unauthorized users, not to provide privacy to individual users of the Town's electronic communication systems.

C. Workplace Environment. The Town is committed to maintaining a working environment free from all forms of abuse and harassment. Use of the Town's electronic communication systems to send abusive, vulgar, offensive or discriminatory messages is prohibited. Among those which are considered offensive are any messages which contain profanity, overt sexual language, sexual implications or innuendo or comments that offensively address someone's age, gender, race, sexual orientation, religious beliefs, national origin, or disability. Individuals of the Town are responsible for the content of all text, audio or images that they place or send over the Internet and for ensuring that the Internet is used in an effective, ethical and lawful manner. The transmission or downloading of any sexually explicit materials including abusive, profane or offensive language or images is prohibited. The Town reserves the right to access and monitor all messages and files as it deems necessary and appropriate.

D. Effective Communications. While e-mail and voicemail may be the quickest and easiest way to communicate, it may not always be the most appropriate or effective way to communicate when managing or conducting the Town's business. Individuals of the Town should avoid using e-mail when the message that must be communicated involves extremely

important, confidential or sensitive internal Town matters (e.g., discussions regarding an employee's work performance or a candidate's application for employment). Such communications, including dialogues that call for extensive back-and-forth discussion, are best held in person or on the phone.

E. Confidential Information. Users of the Town's electronic communication systems should be careful in creating e-mail messages that contain confidential information or providing such information through access to Internet web sites. Even when a message has been deleted or Internet access terminated, the information may still exist in a printed or electronic version, may be recreated from a back-up system, or may have been forwarded by the recipient to someone else.

F. Protected Health Information. Individuals of the Town authorized to access Protected Health Information ("PHI") must take reasonable steps to ensure that access to electronically transmitted PHI is password protected. Electronically stored PHI, including such information residing in electronic messages, electronic document files, databases, floppy disks, CDs and other computer files must be password-protected and accessible only by individuals of the Town who have a need for access. Reasonable steps must also be taken to ensure that all incoming facsimiles and print jobs containing PHI are viewable and retrievable only by individuals of the Town with a legitimate need for access. PHI that no longer needs to be retained after use should be deleted or shredded, unless subject to record retention policies and procedures.²

G. Electronic Discussion Groups or Subscription Services. Participation by any individual of the Town in an electronic discussion group (chat room), such as a list-serv, newsgroup, or an e-mail subscription service, shall be allowed only if such participation relates to the business of the Town. No participation in such groups for personal reasons is allowed whether during, before, or after normal business hours except in limited situations (e.g., CNN Breaking News) and pre-approval has been obtained from the Human Resources Director. Individuals of the Town should be mindful that no confidential information may be shared with other group participants.

H. Viruses. Any files downloaded from e-mail or Internet web sites and any computer disks received from outside sources must be scanned with the Town's virus detection software before installation or use. Downloading programs (including self-installing software and upgrades) is prohibited without prior approval. Any viruses detected, tampering or system problems must be reported immediately to the Systems Department.

I. Personal Use. The use of the Town's electronic communication devices is primarily for business purposes. Personal use of electronic communication devices during business hours is prohibited except in limited situations when circumstances warrant communications with family members or co-workers as well as the use of electronic communication devices for community activities, educational or professional development purposes. Individuals may not abuse this privilege for any significant amount of personal use or activity. Any personal use of the Town's electronic communication devices or electronic

² Subject to the Town's *HIPAA Privacy Compliance Program*.

communication systems is expected to be on the employee's own time and is not to interfere with the employee's job responsibilities or the business operation of the Town. Any communication sent is the responsibility of the user assigned to the account.

J. Specific Prohibited Uses. In addition to requiring compliance with this policy, the Town expressly prohibits the use of the camera feature on personal cell phones while working and while on the Town's premises. The Town also expressly prohibits certain specific types of misuse of the Town's electronic communication devices or systems. Personnel shall not use the Town's or other electronic communication devices or electronic communication systems to:

- engage in any illegal activity including, but not limited to, pornography, terrorism, espionage, theft, drugs, gambling or hacking;
- send, receive, access, create, print or distribute or otherwise transmit any form of offensive, discriminatory, obscene, pornographic, harassing, defamatory, derogatory, disruptive or otherwise inappropriate communication, at any time, to any person or entity;
- send, receive, access, create, print, distribute or otherwise transmit inappropriate language or images that offensively address someone's age, gender, race, sexual orientation, religious beliefs, national origin or disability;
- release any communication that violates the Town's confidentiality requirements including divulging confidential or privileged information;
- use or disclose Protected Health Information ("PHI") unless pursuant to the Town's *HIPAA Privacy Compliance Program*;
- authorize other individuals to send e-mail from their account or use another account to send e-mail communications for their own purposes;
- engage in extensive personal communications with co-workers, friends or family members;
- send, receive, access, copy, print, distribute or otherwise transmit copyrighted materials, including music, articles and software, movies, trade secrets or proprietary financial information in violation of Town policy or written agreements or without prior authorization;
- install personal software on Town-owned computers or install Town-owned software on computers that are not owned by the Town without the prior written approval of the Systems Department;

- operate a business, solicit outside business ventures, usurp business opportunities, search for outside employment or for solicitation in connection with political, religious or personal causes (except as described in subsection I above); and
- engage in unethical activities or content, or activities or content that could damage the Town's reputation.

It is important to note that while this policy sets forth specific prohibited uses of the Town's electronic communications, electronic communication devices and electronic communication systems as outlined above, the policy is not designated or intended to limit our authority to discipline or take remedial action for inappropriate use of the Town's electronic communications, electronic communication devices and electronic communication systems which we deem unacceptable, regardless of whether it is specified in this policy.

K. Deletion of E-Mails and Messages. The Town reserves the right to delete e-mails or messages, or other communications, at any time without notice.

L. Cell Phones. While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of the Town's phone system. Personal cell phones to place or receive personal calls should be kept to a minimum while on the Town's premises and are expected to be on the employee's own time and not interfere with the employee's job responsibilities or be disruptive to the business operation of the Town. Personal cell phones are to be turned off or placed on silent mode during meetings and in public work areas of the Town. Use of cell phones to discuss Town-related information must be done with extreme caution so as to eliminate the possibility of a breach of confidentiality or the inadvertent disclosure of confidential information. The Town will not be liable for the loss of personal cellular phones brought onto the Town's premises. Individuals of the Town who are charged with traffic violations resulting from the use of their cell phones while driving will be solely responsible for all liabilities that result from such actions.

Safety studies have shown that drivers who use a cellular telephone while their vehicle is in motion are at a higher risk of being in an auto accident than non-callers. The Town recommends that personnel not use a cellular phone while driving. However, should a situation arise in which an individual of the Town needs to use a cell phone while driving, the following safety guidelines shall be followed:

- choose as your first option to pull off to the side of the road and safely stop the vehicle before placing or accepting a call when utilizing your cell phone in your vehicle;
- use a hands-free device when available to avoid having to dial or handle the phone while in traffic, read your instruction manual before driving in order to become acquainted with features such as speed dial and redial and do not take notes or look up phone numbers while driving;

- position your phone within easy reach so that you can access it without taking your eyes off the road;
- dial sensibly by assessing the traffic beforehand and dial while at a red light, stop sign or otherwise stopped and avoid altogether, if possible, having to dial the phone while in traffic;
- keep calls to a minimum, suspend conversations during heavy traffic or hazardous weather conditions and let the person you are talking with know you are driving and may be interrupted;
- avoid stressful or emotional conversations while driving by either pulling over or ending the conversation; and
- use your cell phone to call for help by dialing 911 in emergency situations.

IV. VIOLATION OF POLICY

Any individual violating this policy, including failure to report violations, will be subject to appropriate discipline, including possible termination of employment. The Town intends to follow each provision of this policy but reserves the right to change any provision at any time if circumstances warrant or require and also reserves the right to terminate or restrict access to any part of the Town's electronic communication systems on an individual or group basis at any time for any reason. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy should be read and interpreted in conjunction with all other Town policies and procedures.

V. COMPLAINTS OR PROBLEMS OF MISUSE

Should any individual of the Town receive a harassing, offensive, threatening or intimidating communication, the individual should initiate a complaint by contacting the Harassment Grievance Officer as soon as possible. The current Harassment Grievance Officer is Bernadette Georges.. She can be reached at the Dunstable Police Department, 23 Pleasant Street, Dunstable, MA 01827, and her telephone number at the station is 978-649-8891. If you would prefer, you may Chief James Downes, who has been designated as the Alternate Harassment Grievance Officer. He can be reached at Town of Dunstable, Police Department, 23 Pleasant Street, Dunstable, MA 01827, and his telephone number is 978-649-7445.

VI. Acknowledgment of Receipt of Policy

I acknowledge receipt of this *Communications Policy* from the Town, and that I have read it. I understand that all electronic communications and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these systems. I acknowledge and consent to the Town monitoring my use of its electronic communications at any time, at its discretion. Such monitoring may include reviewing Internet websites visited, printing and reading all e-mail entering, leaving or stored in these systems, reviewing all documents created or downloaded as well as listening to voicemail in the ordinary course of business. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures.

Name (Print)

Signature

Date

Witness

TOWN OF DUNSTABLE

DRUG-FREE WORKPLACE POLICY¹

1. It is the policy of the Town of Dunstable (the "Town") to provide a drug-free workplace for all of its employees in accordance with the provisions of the United States Drug-Free Workplace Act of 1988 (PL 100-690 or 41 U.S.C.S. 701-707).

2. Accordingly, the Town hereby notifies every employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited when in the employ of the Town.

3. Violation of this policy shall result in a disciplinary action, including, but not limited to, suspension and/or termination.

4. The purpose of establishing a drug-free work place is to inform Town employees about:

- (a) the serious danger of drug abuse in the workplace;
- (b) the Town's policy of maintaining a drug-free workplace;
- (c) the availability of drug counseling, rehabilitation, and employee assistance programs; and
- (d) the consequences of employee drug use in the workplace (see number 3, above).

5. The Town establishes, as a condition of employment, that each employee must abide by the drug-free workplace policy; and that each employee must notify his or her supervisor, within five days (5) of any conviction for violation of any federal or state criminal drug law occurring in the workplace.

6. The Town may require the employee to participate in an approved drug abuse assistance rehabilitation program.

7. The Town will make a good faith effort to maintain a drug-free workplace through implementation of this policy statement.

8. Employees having any questions in regard to this policy are invited to contact their supervisor to discuss their concerns.

¹

Adopted by the Board of Selectmen on July 22, 2013 – released August 29, 2013

9. This policy is effective as of August 15, 2013.

10. I hereby acknowledge that I have received and read this policy.

Witness

Employee

Date

Date

Adopted by the Board of Selectmen on July 22, 2013.



Chairman, Board of Selectmen

Date: 8-15-2013